

Journal of the House

SPECIAL SESSION

THURSDAY, JUNE 16, 2005

In accordance with the call for a Special Session by His Excellency, the Governor, the members of the House of Representatives convened at the State House in Montpelier on the sixteenth day of June, in the year of our Lord, two thousand and five.

At nine o'clock and thirty minutes in the forenoon, Honorable Gaye R. Symington, Speaker, called the House to order. Devotional exercises were conducted by the Speaker.

Governor's Call for Special Session

I, James H. Douglas, Governor of the State of Vermont, by virtue of the authority vested in me by the Constitution, find if necessary to call together the General Assembly, and I do hereby summon the members of the Senate and House of Representatives to meet in their respective chambers in the State House, together with the officers of the two Houses, on Thursday, the sixteenth day of June, A.D., 2005, at 9:30 in the forenoon, for the limited purpose of making appropriations for government for fiscal year 2006.

Witness my hand hereunto subscribed and the Great Seal of the State of Vermont hereunto affixed at Montpelier, this eighth day of June, A.D., 2005.

/s/ James H. Douglas
Governor

By the Governor:

/s/ Neale F. Lunderville
Secretary of Civil and Military Affairs"

Roll Call to Open 2005 Special Session

By order of the Speaker, call of the roll was taken.

Those present:

Adams of Hartland
Allaire of Rutland City
Allard of St. Albans Town
Ancel of Calais

Aswad of Burlington
Atkins of Winooski
Audette of S. Burlington
Baker of West Rutland

Barnard of Richmond
Bartlett of Dover
Bohi of Hartford
Bostic of St. Johnsbury

Botzow of Pownal	Hunt of Essex	Mook of Bennington
Branagan of Georgia	Hutchinson of Randolph	Morley of Barton
Brennan of Colchester	Jerman of Essex	Morrissey of Bennington
Brooks of Montpelier	Jewett of Ripton	Myers of Essex
Canfield of Fair Haven	Johnson of South Hero	Nease of Johnson
Clark of St. Johnsbury	Johnson of Canaan	Niquette of Colchester
Clark of Vergennes	Kennedy of Chelsea	Nitka of Ludlow
Clarkson of Woodstock	Keogh of Burlington	Nuovo of Middlebury
Condon of Colchester	Kiss of Burlington	Obuchowski of Rockingham
Copeland-Hanzas of Bradford	Klein of East Montpelier	O'Donnell of Vernon
Corcoran of Bennington	Koch of Barre Town	Orr of Charlotte
Cross of Winooski	Komline of Dorset	Otterman of Topsham
Deen of Westminster	Krawczyk of Bennington	Parent of St. Albans City
DePoy of Rutland City	Kupersmith of S. Burlington	Partridge of Windham
Donaghy of Poultney	Larocque of Barnet	Peaslee of Guildhall
Donahue of Northfield	Larrabee of Danville	Pillsbury of Brattleboro
Donovan of Burlington	Larson of Burlington	Potter of Clarendon
Dostis of Waterbury	LaVoie of Swanton	Randall of Troy
Dowland of Holland	Lawrence of Lyndon	Reese of Pomfret
Dunsmore of Georgia	Leriche of Hardwick	Rodgers of Glover
Edwards of Brattleboro	Lippert of Hinesburg	Rusten of Halifax
Emmons of Springfield	Livingston of Manchester	Schiavone of Shelburne
Endres of Milton	Lorber of Burlington	Seibert of Norwich
Errecart of Shelburne	Maier of Middlebury	Severance of Colchester
Evans of Essex	Malcolm of Pawlet	Shand of Weathersfield
Fallar of Tinmouth	Marcotte of Coventry	Sharpe of Bristol
Fisher of Lincoln	Marek of Newfane	Shaw of Derby
Flory of Pittsford	Marron of Stowe	Smith of New Haven
Frank of Underhill	Martin of Springfield	Smith of Morristown
French of Randolph	Martin of Wolcott	Sunderland of Rutland Town
Grad of Moretown	Masland of Thetford	Sweaney of Windsor
Green of Berlin	McAllister of Highgate	Tracy of Burlington
Haas of Rochester	McCullough of Williston	Trombley of Grand Isle
Heath of Westford	McFaun of Barre Town	Valliere of Barre City
Helm of Castleton	McLaughlin of Royalton	Westman of Cambridge
Houston of Ferrisburgh	Milkey of Brattleboro	Winters of Swanton
Howrigan of Fairfield	Miller of Shaftsbury	Winters of Williamstown
Hube of Londonderry	Minter of Waterbury	Wright of Burlington
Hudson of Lyndon	Molloy of Arlington	Young of Orwell
	Monti of Barre City	Zuckerman of Burlington

Those members absent with leave of the House:

Chen of Mendon	Kainen of Hartford	Miller of Elmore
Darrow of Dummerston	Keenan of St. Albans City	Pellett of Chester
*Gervais of Enosburg	Kilmartin of Newport City	*Perry of Richford
*Head of S. Burlington	Kitzmiller of Montpelier	Peterson of Williston
Hosford of Waitsfield	Louras of Rutland City	Pugh of S. Burlington
Howard of Rutland City	Metzger of Milton	Wood of Brandon

* Those members who were present later in the day.

Message from the Senate No. 1

A message was received from the Senate by Mr. Marshall, its Assistant Secretary, as follows:

Madam Speaker:

I am directed to inform the House that a quorum of the Senate has assembled and is ready on its part to proceed with the business of the Special Session.

House Resolution Adopted

H.R. 1

Reps. Partridge of Windham and Flory of Pittsford offered a House resolution, entitled

House resolution relating to adoption of rules to govern the Special Session of 2005;

Resolved by the House of Representatives:

That the Rules of the House of Representatives in effect on June 4, 2005, be the rules of this Special Session of 2005 except for the following additions thereto:

Rule 40A. Bills and resolutions to be placed on the Calendar for notice and subsequent action shall comprise solely those bills and resolutions consisting of new matters introduced during the Special Session. Bills or resolutions may be introduced during this Special Session only with the consent of the Committee on Rules. Upon adjournment sine die of the Special Session all such matters contained in these new bills and resolutions not enacted into law shall terminate automatically and be of no further force and effect and shall not be pending upon the convening of the General Assembly in January, 2006, for the continuation of the 2005 biennial session.

Which was read and adopted.

Joint Resolution Amended and Adopted

J.R.H. 1

Joint resolution, entitled

Joint resolution relating to the Vermont State Colleges;

Offered by: Committee on Rules

Whereas, the protracted labor negotiations between the faculty and the administration at the Vermont State Colleges (VSC) have suggested concerns about the future of the colleges, the communications between the faculty and the administration, the role of the faculty in planning and curriculum development, and the goals and directions of these important institutions to the young people and citizens of Vermont, and

Whereas, these issues ought to be examined and reviewed objectively, and recommendations should be developed for the renewed growth and enhancement of the state college system, outside the context of a contentious labor dispute, and

Whereas, the strength and well-being of the Vermont State Colleges must be maintained as the system provides unique and vital opportunities to Vermont's citizens; fully 66 percent of the Vermont students are in the first generation of their families to attend college, now therefore be it:

Resolved by the Senate and House of Representatives:

That a Legislative Committee on the Vermont State Colleges is established to be composed of four members of the House appointed by the Speaker, not all from the same political party; four members of the Senate appointed by the Committee on Committees, not all from the same political party; one member to represent higher education in the state, not affiliated with the Vermont State Colleges, appointed by the Commissioner of Education; one member representing the business and industry sector who regularly contract for training programs and/or employ VSC graduates selected by the Vermont Business Roundtable; and one member representing labor interests, not affiliated with the Vermont State Colleges, appointed by the Vermont State Labor Council; and none of these last three members shall have been active participants in any of the political or other activities related to the VSC labor dispute, and be it further

Resolved: That the committee shall examine and make recommendations, if appropriate, to the concerns raised by the Faculty Assemblies of the four state colleges in their votes of no confidence in the chancellor, including, but not limited to, historical trends related to the allocation of system resources for administrative salaries relative to faculty salaries, use of part time and full time faculty, participation by the faculty in curriculum development and strategic planning at the colleges and across the system, communications among and between the college campuses and between the faculty and the administration, and the on-going working relationships within the VSC community, and be it further

Resolved: That the committee also review and calculate the past and future financial contributions of those current faculty who will not be eligible to participate in the early retirement program as a result of the recent labor negotiations, and recommend any appropriate means, including viable funding sources, to mitigate the personal and systemic losses to the faculty, and review and calculate the annual cost to VSC for the current early retirees until such time as the cohort all reaches age 65, and estimate an annual cost for those eligible for early retirement through 2010 until they reach age 65, be it further

Resolved: That the Committee may meet no more than six times during adjournment of the 2005 session, and for attendance at meetings, legislative members shall be entitled to compensation for services and reimbursement of expenses pursuant to 2 V.S.A. §406 and nonlegislative members shall be entitled to compensation and reimbursement as provided members of boards under 32 V.S.A. §1010, and be it further

Resolved: That the Committee may have the assistance of the staff of the Joint Fiscal Office, the Legislative Council, and the Vermont State Colleges administration, faculty, and staff, and be it further

Resolved: That the Committee shall submit its findings and recommendations to the General Assembly on or before January 15, 2006.

Was taken up and pending the question, Shall the House adopt the resolution? **Rep. Koch of Barre Town** moved to amend the resolution as follows:

In the first resolved clause, by deleting the words “one member representing the business and industry sector who regularly contract for training programs and/or employ VSC graduates selected by the Vermont Business Roundtable;” and inserting in lieu thereof, the following:

one member, selected by the Vermont Business Roundtable, to represent the business and industry sectors who regularly contract for training programs or employ VSC graduates;

Which was agreed to and the resolution was adopted as amended.

Committee Bills Introduced

The committee on Rules, severally introduced the following bills which were read the first time and, under the rule, placed on the Calendar for notice tomorrow.

H. 1

House bill, entitled

An act relating to the Vermont State Colleges collective bargaining agreement;

H. 2

House bill, entitled

An act relating to wood products manufacture income tax credit.

Rules Suspended; Bill Read Second Time; Third Reading Ordered; Rules Suspended; Bill Read Third Time and Passed; Rules Suspended; Bill Ordered Messaged to the Senate Forthwith

H. 1

Pending entrance of the bill on the Calendar for notice, on motion of **Rep. Flory of Pittsford**, the rules were suspended and House bill, entitled

An act relating to the Vermont State Colleges collective bargaining agreement;

Was taken up for immediate consideration.

Thereupon, the bill was read the second time and third reading ordered.

On motion of **Rep. Flory of Pittsford**, the rules were suspended and the bill placed on all remaining stages of passage.

Thereupon bill was read the third time.

Pending the question, Shall the bill pass? **Rep. Dowland of Holland** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the bill pass? was decided in the affirmative. Yeas, 121. Nays, 11.

Those who voted in the affirmative are:

Adams of Hartland	Canfield of Fair Haven	Emmons of Springfield
Allaire of Rutland City	Clark of St. Johnsbury	Endres of Milton
Allard of St. Albans Town	Clark of Vergennes	Errecart of Shelburne
Ancel of Calais	Clarkson of Woodstock	Evans of Essex
Aswad of Burlington	Condon of Colchester	Fallar of Tinmouth
Atkins of Winooski	Copeland-Hanzas of	Fisher of Lincoln
Audette of S. Burlington	Bradford	Flory of Pittsford
Baker of West Rutland	Corcoran of Bennington	Frank of Underhill
Barnard of Richmond	Cross of Winooski	French of Randolph
Bohi of Hartford	Deen of Westminster	Gervais of Enosburg
Bostic of St. Johnsbury	DePoy of Rutland City	Grad of Moretown
Botzow of Pownal	Donaghy of Poultney	Green of Berlin
Branagan of Georgia	Donahue of Northfield	Heath of Westford
Brennan of Colchester	Dostis of Waterbury	Helm of Castleton
Brooks of Montpelier	Dunsmore of Georgia	Houston of Ferrisburgh

Howrigan of Fairfield	Malcolm of Pawlet	Otterman of Topsham
Hube of Londonderry	Marcotte of Coventry	Parent of St. Albans City
Hudson of Lyndon	Marek of Newfane	Partridge of Windham
Hunt of Essex	Marron of Stowe	Peaslee of Guildhall
Hutchinson of Randolph	Martin of Springfield	Perry of Richford
Jerman of Essex	Martin of Wolcott	Potter of Clarendon
Jewett of Ripton	Masland of Thetford	Reese of Pomfret
Johnson of South Hero	McAllister of Highgate	Rodgers of Glover
Johnson of Canaan	McCullough of Williston	Rusten of Halifax
Kennedy of Chelsea	McFaun of Barre Town	Schiavone of Shelburne
Keogh of Burlington	McLaughlin of Royalton	Severance of Colchester
Klein of East Montpelier	Milkey of Brattleboro	Shand of Weathersfield
Koch of Barre Town	Miller of Shaftsbury	Sharpe of Bristol
Komline of Dorset	Minter of Waterbury	Shaw of Derby
Krawczyk of Bennington	Molloy of Arlington	Smith of New Haven
Kupersmith of S. Burlington	Monti of Barre City	Sunderland of Rutland Town
Larocque of Barnet	Mook of Bennington	Sweaney of Windsor
Larabee of Danville	Morley of Barton	Tracy of Burlington
Larson of Burlington	Morrissey of Bennington	Trombley of Grand Isle
LaVoie of Swanton	Myers of Essex	Valliere of Barre City
Lawrence of Lyndon	Nease of Johnson	Westman of Cambridge
Leriche of Hardwick	Niquette of Colchester	Winters of Swanton
Lippert of Hinesburg	Nitka of Ludlow	Winters of Williamstown
Livingston of Manchester	Obuchowski of Rockingham	Wright of Burlington
Lorber of Burlington	O'Donnell of Vernon	Young of Orwell
Maier of Middlebury	Orr of Charlotte	

Those who voted in the negative are:

Donovan of Burlington	Kiss of Burlington	Seibert of Norwich
Dowland of Holland	Nuovo of Middlebury	Smith of Morristown
Edwards of Brattleboro	Pillsbury of Brattleboro	Zuckerman of Burlington
Haas of Rochester	Randall of Troy	

Those members absent with leave of the House and not voting are:

Bartlett of Dover	Kainen of Hartford	Miller of Elmore
Chen of Mendon	Keenan of St. Albans City	Pellett of Chester
Darrow of Dummerston	Kilmartin of Newport City	Peterson of Williston
Head of S. Burlington	Kitzmiller of Montpelier	Pugh of S. Burlington
Hosford of Waitsfield	Louras of Rutland City	Wood of Brandon
Howard of Rutland City	Metzger of Milton	

Rep. Houston of Ferrisburgh explained her vote as follows:

“Madam Speaker:

The reason we are here today is because the language concerning the Vermont State collective bargaining agreement does not belong in the appropriations bill.”

Rep. Milkey of Brattleboro explained her vote as follows:

“Madam Speaker:

According to the dictionary I found on my desk this morning, the first definition of “compromise” is “an agreement over a dispute reached by each side changing or giving up some demands”.

While there is no compromise in this bill, I voted “yes” because of the language in the resolution we passed prior to this bill. I will look for the proof of the compromise in the results of the study by the legislative committee on the Vermont State Colleges.”

Rep. Westman of Cambridge explained his vote as follows:

“Madam Speaker:

You can’t listen to the debate on this issue and say it is isolated.

The politics in this legislature has become the politics of confrontation not accommodation on issues like this and health care.”

Rep. Young of Orwell explained his vote as follows:

“Madam Speaker:

I vote yes. The foregoing heated partisan debate proves but one thing to me. Collective bargaining never should have come before this body, and never should.... Hence the need for H. 1.”

Rep. Zuckerman of Burlington explained his vote as follows:

“Madam Speaker:

Keeping your word and promises is “the Vermont way”. It used to be your word, than a handshake, then a contract, then a law and now even that does not count anymore.”

On motion of **Rep. Flory of Pittsford**, the rules were suspended and the bill was ordered messaged to the Senate forthwith.

Rules Suspended; Bill Read Second Time; Third Reading Ordered; Rules Suspended; Bill Read Third Time and Passed; Rules Suspended; Bill Ordered Messaged to the Senate Forthwith

H. 2

Pending entrance of the bill on the Calendar for notice, on motion of **Rep. Flory of Pittsford**, the rules were suspended and House bill, entitled

An act relating to wood products manufacture income tax credit.

Was taken up for immediate consideration.

Thereupon, the bill was read the second time and third reading ordered.

On motion of **Rep. Flory of Pittsford**, the rules were suspended and the bill placed on all remaining stages of passage.

Thereupon bill was read the third time and passed.

On motion of **Rep. Flory of Pittsford**, the rules were suspended and the bill was ordered messaged to the Senate forthwith.

Recess

At eleven o'clock and twenty minutes in the forenoon, the Speaker declared a recess until the fall of the gavel.

At one o'clock and fifteen minutes in the afternoon, the Speaker called the House to order.

Message from the Senate No. 2

A message was received from the Senate by Mr. Marshall, its Assistant Secretary, as follows:

Madam Speaker:

I am directed to inform the House that the Senate has considered bills originating in the House of the following titles:

H. 1. An act relating to the Vermont State Colleges Collective Bargaining Agreement.

H. 2. An act relating to Wood Products Manufacture Income Tax Credit.

And has passed the same in concurrence.

The Senate has considered a joint resolution originating in the House of the following title:

J.R.H. 1. Joint resolution relating to the Vermont State Colleges.

And has adopted the same in concurrence.

Message from the Senate No. 3

A message was received from the Senate by Mr. Marshall, its Assistant Secretary, as follows:

Madam Speaker:

I am directed to inform the House that the Senate has on its part adopted a joint resolution of the following title:

J.R.S. 1. Joint resolution relating to final adjournment.

In the adoption of which the concurrence of the House is requested.

Message from the Senate No. 4

A message was received from the Senate by Mr. Marshall, its Assistant Secretary, as follows:

Madam Speaker:

I am directed to inform the House that the Senate has on its part completed the business of this Special Session and is ready to adjourn *sine die*, pursuant to the provisions of **J.R.S. 1**.

Joint Resolution Adopted in Concurrence

J.R.S. 1

Joint resolution, entitled

Joint resolution relating to final adjournment;

By Senator Welch,

Resolved by the Senate and House of Representatives:

That the President of the Senate and the Speaker of the House of Representatives adjourn their respective Houses *sine die* on the 16th day of June, A.D. 2005.

Was taken up read and adopted in concurrence.

Adjournment

At one o'clock and twenty minutes in the afternoon, on motion of **Rep. Partridge of Windham**, the House adjourned *sine die*, pursuant to the provisions of J.R.S. 1.